

Binghamton City School District

West Middle School
West Middle Avenue
Binghamton, NY 13905-4151
(607) 763-8400
Fax: (607) 763-8429

March 22, 2011

Robert & Debra Spero
██████████

Binghamton, NY 13905

CODE: W1

Dear Parents:

RE: Vincent Spero #17765206 Grade 6B HR 444

Under Education Law Section 3214(3), I am immediately suspending your child Vincent Spero for a period of five school days, March 23, 24, 25, 28 & 29, 2011 not to include emergency school closure days. Based on the behavior stated below I believe that the student's presence presents a continuing danger or ongoing threat of disruption.

On March 22, 2011, Vincent was found to be in possession of a "Suisse army knife" inside of school. Vincent willingly turned the knife over to the Principal; who requested it after another student informed him that Vincent had shown it to him and said that he was "going to kill someone". Vincent denies having made this statement. Regardless, his suspension is based purely on possession of a weapon within the building. Due to the nature of the infraction, I am requesting a Superintendent's Hearing. You will be notified as to the date and time of that meeting, which will be conducted at 98 Oak Street. A letter will be delivered to your door by an employee of the Binghamton City School District.

This is a violation of the Discipline Code/school rules, School District Policy No. 8081 Section 4B.

While this suspension is in effect, your child will not be permitted to enter school, to remain upon the school grounds or attend school events, unless receiving specific administrative approval in advance. Disobeying this shall be considered trespassing and appropriate actions may be taken. You and your child have a right to an informal conference with the complaining witness and me. If you would like to have an informal conference, please let me know as soon as possible by calling 763-8400.

Sincerely,

Michael J. Holly
Principal

MJH/ca

VS001817



Binghamton City School District

98 Oak Street
Binghamton, NY 13905
(607) 762-8100

March 24, 2011

Mr. and Mrs. Robert Spero
[REDACTED]
Binghamton, New York 13905

Dear Mr. and Mrs. Spero:

Mr. Michael Holly, Principal of West Middle School, has informed you that your child, **Vincent Spero**, was suspended as set forth in the letter dated March 22, 2011. Due to the circumstances involved, a suspension from school in excess of five days may be warranted. Under Education Law §3214(3), I am therefore scheduling a hearing for **Friday, March 25, 2011 at 11:00 a.m. at 98 Oak Street**. I have designated Suzanne Thomas as the Hearing Officer to conduct the hearing.

On March 22, 2011, it is alleged that your child Vincent Spero was in possession of a Suisse army knife inside of school. If true, then this may constitute a violation of School Discipline Code/Rules in the Student Handbook.

At this hearing, the student has the right of representation by counsel, person in parental relationship or other representative, the right to question witnesses testifying against the student and to present witnesses and other evidence on his or her behalf. The student and person in parental relationship also have the right to have an interpreter present if they are unable to communicate in the English language. Please notify me immediately so that arrangements can be made for any interpreter to be present if one is necessary or if you intend to have anyone represent the student at the hearing.

A Hearing Officer has the authority to administer oaths and issue subpoenas for witnesses to attend the proceeding. If you need a subpoena contact the hearing officer as soon as possible, as it is your responsibility to make arrangements for your witnesses to be present at the hearing. Other students and faculty members will not be excused from class unless you make these prior arrangements. The Hearing Officer shall take the evidence and make findings of fact and recommendations to me as to whether the alleged violations occurred and, if so, the appropriate measure of discipline. If your child is of compulsory attendance age, alternative instruction will be offered during the suspension.

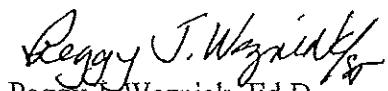
At the hearing, the student's previous school records will be reviewed, including prior disciplinary records. This information will be considered in connection with the extent of any further disciplinary action. If you would like to review this information prior to the hearing, please contact the school principal. You will have an opportunity to present the student's response to this information at the hearing. I will review the Hearing Officer's findings of fact and recommendations as to the appropriate measure of discipline and provide you with a written decision.

You may waive the right to this hearing. If you do so, no hearing will occur and your attendance is not required. If you wish to waive your right to a hearing, please call the Hearing Officer immediately, complete the enclosed letter and immediately return it to me.

If you have any questions concerning the hearing, please contact the Hearing Officer at telephone
Providing A Rich Environment For Quality Learning

number 607-762-8114.

Sincerely,



Peggy J. Wozniak, Ed.D.
Superintendent of Schools

cc: S. Thomas, Hearing Officer
M. Holley, Principal
Guidance Office



Binghamton City School District
Providing a rich environment for quality learning

Office of Attendance & Pupil Services
98 Oak Street
Binghamton, New York 13905
607.762.8114

TO: Peggy J. Wozniak, Superintendent of Schools
FROM: Suzanne J. Thomas, Hearing Officer
Date: March 28, 2011

RE: Placement Hearing on Vincent Spero

Ms. Dorian Zahka appeared on behalf of the district. Vincent Spero appeared with his parents, Mr. and Mrs. Robert Spero, at the hearing schedule for March 25, 2011. The Notification of Hearing was entered as Exhibit A.

Finding of Fact

Vincent admitted having a Suisse army knife in his possession at school on March 22, 2011. He testified that he found the knife in a stairwell at school as he was going to first period. Vincent also stated that he was going to give it to Mr. Holly during lunch. He admitted showing it to another student during third period, and that Mr. Holly approached him about the knife during fourth period, at which point he surrendered the knife.

Ms. Zahka testified that a student reported seeing the knife and alleged that Vincent also threatened to harm someone with it. Mr. Spero took objection to this statement saying that Mr. Holly told him it would not be entered into evidence. Ms. Zahka was unaware of this commitment by Mr. Holly. By his own admission, Vincent is guilty of having a knife in his possession on school grounds.

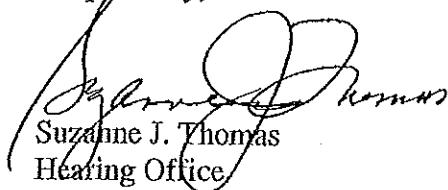
During Phase II, Ms. Zahka testified that Vincent is a good guy with one or two referrals for being disrespectful or using profanity, and she has seen an effort on Vincent's part to make better choices. Mrs. Spero and Vincent voiced that they would like Vincent back at the Middle School as soon as possible. Mr. Spero stated that he has already disciplined Vincent at home. Parents agreed that they were disappointed that Vincent waited to turn the knife into the office, and stated he should have done so immediately.

Recommendations

Based on the admissions and subsequent conversation, the following recommendations are submitted for your consideration:

1. Vincent's suspension should be extended through April 8, 2011 or the remainder of the third marking period, returning to West middle School on Monday, April 18, 2011 after the spring break.
2. While suspended, Vincent may not participate in any school sponsored events without the express permission of Mr. Holly.
3. Vincent should be placed on Home Instruction for 10 hours weekly to commence as soon as possible.

Respectfully,


Suzanne J. Thomas
Hearing Office



Binghamton City School District

98 Oak Street
Binghamton, NY 13905
(607) 762-8100

March 29, 2011

Mr. and Mrs. Robert Spero

[REDACTED]
Binghamton, NY 13905

RE: Vincent Spero

Dear Mr. and Mrs. Spero:

I concur with and adopt the Hearing Officer's Findings of Fact and Recommendations which are attached.

You have the right to appeal this decision to the Board of Education. The appeal must be in writing and submitted within 25 calendar days of the date of this decision.

Sincerely,

Peggy J. Wozniak, Ed.D.
Superintendent of Schools

cc: Mr. Michael Holly, Principal
Ms. Dorian Zahka, Assistant Principal
Mrs. Ami Wiswell, Guidance Counselor

Providing A Rich Environment For Quality Learning

VS001814

Discipline History Report

West Middle School

7/1/2011 Thru 6/30/2012

3/26/2019 10:52:33 AM

Student	Grade	Homeroom	Phone	Building
Spero, Vincent	7	214		West Middle School

Date	Offense	Disposition	Faculty Name
1 05/09/12	Other Disruptive Incidents, Horseplay, Rough-housing	In-School Suspension 05/10/2012	Admin, Schooltool
2 05/21/12	Inappropriate Language	Lunch Detention 05/24/2012, 05/29/2012	Eaton, Andrew

Total Incidents: 2

VS001820

Student Name: Spero, Vincent**Address:****Grade:** 7**Homeroom:** 214**Phone Number:****Date of Incident:** 05/09/2012 12:30 pm**Date Seen:** 05/09/2012**Submitted By:** Schooltool Admin**Offense:** Other Disruptive Incidents, Horseplay,
Rough-housing**Location:** Playground**Disposition:**

In-School Suspension

Duration:

1.00 Day(s)

05/10/2012

Description: playing a "game" called "ball tap" whereby boys punch each other in the genital area.**Reason for
Referral:****Previous
Action
Taken:****Comments:** On May 9, 2012, during lunch and immediately after, Vincent voluntarily participated in a "game" that the boys called "ball tap" whereby they punched each other in the genital area. The activity took place on the blacktop and then in the hall immediately before the next class. Both boys discovered that the game actually causes pain and both visited the nurse. The "game" is not to be played again. Ms. Zahka

VS001821

Student Name: Spero, Vincent**Address:****Grade:** 7**Homeroom:** 214**Phone Number:****Date of Incident:** 05/21/2012 2:40 pm**Date Seen:** 05/23/2012**Submitted By:** Andrew Eaton**Offense:** Inappropriate Language**Location:** Teacher's Classroom**Disposition:**

Lunch Detention

Duration:

60.00 Minute(s)

05/24/2012, 05/29/2012

Description: During Block Time (Study Hall), 8th Period, Vincent was talking with another student and said -- "... And there was the time when I fed you my hamster's poop -- and it was soft!" This occurred after numerous warnings to stop talking during a time when students need a quiet environment to complete work. Vincent was not sent to the Attendance Office or sent out of class at this time.

**Reason for
Referral:****Previous
Action
Taken:****Comments:**

WEST MIDDLE SCHOOL
West Middle Avenue
Binghamton, New York 13905

TO: Robert & Debra Spero
FROM: Dorian Zahka
SUBJECT: Assignment of: Vincent Spero #17765206 Grade 6B HR 438
To Intensive Study Center (ISC) for: January 14, 2011 (3-9)
DATE: January 14, 2011 CODE: CH1

THE REASON FOR THIS ASSIGNMENT IS: On January 14, 2011, Vincent pushed another student and indicated to other students that his desire to see him "beaten up". This incident occurred in the cafeteria during breakfast in the presence of several other students, three of whom (all friends of Vincent's) corroborated the story. Apparently, Vincent had sent a text to another student. The text said that "N [REDACTED] is going to hit M [REDACTED]'s butt". This text set off a chain of events whereby N [REDACTED] approached Vincent, telling him to stop spreading rumors. Vincent then stood up and pushed him. Upon discussing this with Vincent, he then claimed that the student had used profanity toward him. The three witnesses stated this was not the case. Vincent then claimed that N [REDACTED] had pushed him first, in another part of the cafeteria. Vincent said that nobody would have seen this, yet the cafeteria was very crowded.

Purpose of Intensive Study Center (ISC):

Students who fail to meet the reasonable standards of behavior for middle school students will be assigned to the Intensive Study Center (ISC). In this center the students will receive instruction in Math, Science, English and Social Studies while being isolated from the rest of the school. If the student demonstrates improvement, he or she will be removed from the center and returned to his or her scheduled classes. If the student's behavior does not improve, an extended stay in the center may be necessary.

cc: Team Leader

Guidance

Student's File

Inf. File